

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

**J.J.**, by and through his next friend, Sakeena Jackson; *et al.*, for themselves and all others similarly situated,

**Plaintiffs,**

v.

**Jon E. Litscher**, in his official capacity as Secretary of the Wisconsin Department of Corrections, *et al.*,

**Defendants.**

**Civil Action No. 17-CV-47**

**Declaration of Rachel A. Graham**

I Rachel A. Graham, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am one of Plaintiff's attorneys in this action, and I make this declaration in support of Plaintiffs' motion for a preliminary injunction.

2. On February 21, 2017, the Wisconsin Assembly Committee on Corrections held a hearing in which the Secretary of the Wisconsin Department of Corrections ("DOC"), Jon Litscher, and the Assistant Administrator of the DOC Division of Juvenile Corrections, Shelby McCulley, testified. A video of this hearing is available on Wisconsin Eye at <http://www.wiseye.org/Video-Archive/Event-Detail/evhdid/11306>, and a true and correct copy of the transcript of this hearing is attached as Exhibit A.

3. During the February 21, 2017 hearing, the DOC representatives referred to and relied upon a powerpoint presentation, a true and correct copy of which is attached as Exhibit B.

4. A true and correct copy of the DOC Executive Leadership website is attached as Exhibit C. This website is also available at <http://doc.wi.gov/about/doc-overview/office-of-the-secretary/executive-leadership>.

5. A true and correct copy of the DOC Division of Juvenile Corrections website is attached as Exhibit D. This website is also available at <http://doc.wi.gov/families-visitors/juvenile-services>.

6. A true and correct copy of the DOC website providing information about the “Lincoln Hills School” is attached as Exhibit E. This website is also available at, <http://doc.wi.gov/families-visitors/find-facility/lincoln-hills-school>, and it shows that the facility is located near Irma, Wisconsin.

7. As stated in the Declaration of Laurence J. Dupuis filed in support of Plaintiffs’ Motion to Certify Class Under Rule 23 (Dkt. # 4), Plaintiffs’ attorneys filed an open records request seeking documents pertaining to DOC’s use of solitary confinement and pepper spray. One of the documents the DOC produced in response to this request is a DOC response to an inquiry by Senator Chris Larson. A true and correct copy of this response is attached as Exhibit F.

8. Plaintiffs’ attorneys also requested and received from DOC copies of disciplinary records for Plaintiff K.D. A true and correct redacted copy of a portion of these records (Conduct Report # 82266) is attached as Exhibit G.

9. In response to the open records request, Plaintiffs’ attorneys also received the Wisconsin DOC Division of Juvenile Corrections, Lincoln Hills School Youth Handbook. A true and correct copy of this handbook is attached as Exhibit H.

10. In response to the open records request, Plaintiffs’ attorneys also received Wisconsin DOC Division of Juvenile Corrections, Restrictive Housing Unit Program. A true and correct copy of this document is attached as Exhibit I.

11. Attached as Exhibit J is a true and correct copy of the DOC Division of Juvenile Corrections, *Core Concepts* Newsletter (Sept. 2014).

12. Attached as Exhibit K is a true and correct copy of Wisconsin DOC Division of Juvenile Corrections, *2014 Annual Report* (May 2015).

13. Attached as Exhibit L is a true and correct copy of a December 17, 2014 American Medical Association, Psychiatric News article reporting on an AMA House of Delegates resolution in opposition to solitary confinement of juveniles. This article can also be found at <http://psychnews.psychiatryonline.org/doi/full/10.1176/appi.pn.2014.12b13>.

14. Attached as Exhibit M is a true and correct copy of the American Academy of Child & Adolescent Psychiatry, Policy Statement approved April 2012. This Policy Statement can also be found at

[http://www.aacap.org/aacap/Policy\\_Statements/2012/Solitary\\_Confinement\\_of\\_Juvenile\\_Offenders.aspx](http://www.aacap.org/aacap/Policy_Statements/2012/Solitary_Confinement_of_Juvenile_Offenders.aspx).

15. Attached as Exhibit N is a true and correct copy of the National Commission on Correctional Health Care, 2016 Policy Statement adopted by National Commission on Correctional Health Care Board of Directors on April 10, 2016. This Policy Statement can also be found at <http://www.ncchc.org/solitary-confinement>

16. Attached as Exhibit O is a true and correct copy of a survey conducted by the US Department of Justice, Office of Juvenile Justice and Delinquency Prevention, titled “Juvenile Suicide in Confinement, A National Survey.” This survey can also be found at

<https://www.ncjrs.gov/pdffiles1/ojjdp/213691.pdf>

17. Attached as Exhibit P is a true and correct copy of excerpts from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, “Standards for the

Administration of Juvenile Justice, Report of the National Advisory Committee for Juvenile Justice and Delinquency Prevention”, July 1980. The full report can be found at

<http://files.eric.ed.gov/fulltext/ED201923.pdf>

18. Attached as Exhibit Q is a true and correct copy of a 2014 Standards Instrument update, entitled “A Guide to Juvenile Detention Reform - Juvenile Detention Facility Assessment” which was published by the Juvenile Detention Alternative Initiative in 2014.

19. Attached as Exhibit R is a true and correct copy of the final report by the U.S. Department of Justice titled “Report and Recommendations Concerning the Use of Restrictive Housing”. This report can also be found at

<https://www.justice.gov/archives/dag/file/815551/download>

20. Attached as Exhibit S is a true and correct copy of the Presidential Memorandum – Limiting the Use of Restrictive Housing by the Federal Government, released by the White House Office of the Press Secretary on March 1, 2016. This memorandum can also be found at  
<https://obamawhitehouse.archives.gov/the-press-office/2016/03/01/presidential-memorandum-limiting-use-restrictive-housing-federal>

21. Attached as Exhibit T is a true and correct copy of the United Nations’ General Assembly Resolution, A. Res. 45/113 entitled “United Nations Rules for the Protection of Juveniles Deprived of their Liberty” (December 14, 1990). The resolution can also be found at  
<http://www.un.org/documents/ga/res/45/a45r113.htm>

22. Attached as Exhibit U is a true and correct copy of the United Nations’ General Assembly, Human Rights Council Report, Rep. of the H.R.C., U.N. Doc. A/HRC/22/53 entitled “Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment”, Juan E. Mendez (February 1, 2013). This report can also be found at

[http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.5\\_3\\_English.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.5_3_English.pdf)

23. Attached as Exhibit V is a true and correct copy of a report produced by PbS Leaning Institute, Inc. entitled “Reducing Isolation and Room Confinement” (September 2012).

24. Attached as Exhibit W is a true and correct copy of a book from the Institute of Judicial Administration - ABA Standards for Juvenile Justice, Standards Relating to Corrections Administration (1980). This publication is also available at

[http://www.americanbar.org/content/dam/aba/migrated/sections/criminaljustice/PublicDocuments/JJ\\_Standards\\_Corrections\\_Administration.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/sections/criminaljustice/PublicDocuments/JJ_Standards_Corrections_Administration.authcheckdam.pdf)

25. Attached as Exhibit X is a true and correct copy of the United Nations’ Standard Minimum Rules for the Treatment of Prisoners adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977. These rules can also be found at

[https://www.unodc.org/pdf/criminal\\_justice/UN\\_Standard\\_Minimum\\_Rules\\_for\\_the\\_Treatment\\_of\\_Prisoners.pdf](https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf)

26. Attached as Exhibit Y is a true and correct copy of a report incorporating updates to a study entitled “51–Jurisdiction Survey of Juvenile Solitary Confinement Rules in Juvenile Justice Systems” published by Lowenstein Sandler LLP & the Lowenstein Center for the Public Interest in October 2015 (updated July 2016).

27. Attached as Exhibit Z is a true and correct copy of various press clippings related to the treatment of youth at LHS/CLS. The first four articles (pages 1 through 31) address community groups calling for the reform or closure of the juvenile facilities, and addressing

complaints about solitary confinement, mechanical restraints, and pepper spray, among other things. The next article (pages 32 through 33) addresses complaints from youths and their parents. The following four articles (pages 34 through 53) address concerns raised by judges about the conditions at these facilities. Finally, the remaining three articles (pages 54 through 76) report on harmful conditions at LHS and CLS over a long period of time.

Dated this 19th day of April, 2017.

s/Rachel A. Graham

Rachel A. Graham